

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

IVAN DEXTER CHAPMAN,	:	MOTION TO VACATE
Movant,	:	28 U.S.C. § 2255
	:	
v.	:	CRIMINAL INDICTMENT NO.
	:	1:06-CR-0470-RWS-JFK
UNITED STATES OF AMERICA,	:	
Respondent.	:	CIVIL FILE NO.
	:	1:17-CV-1907-RWS-JFK

**UNITED STATES MAGISTRATE JUDGE’S  
FINAL REPORT AND RECOMMENDATION**

Movant, Ivan Dexter Chapman, has filed a 28 U.S.C. § 2255 motion [54] that challenges his conviction and sentence entered in this District under the above criminal docket number. The matter is before the Court for preliminary review under Rule 4(b), which requires the Court to order summary dismissal of a § 2255 motion “[i]f it plainly appears from the motion, any attached exhibits, and the record of prior proceedings that the moving party is not entitled to relief[.]” Rules Governing Section 2255 Proceedings, Rule 4(b).

In February 2012, the Court denied Movant’s § 2255 motion, filed in January 2012. (Order of Feb. 27, 2012, ECF No. 45). Movant first must get permission from the Eleventh Circuit Court of Appeals before a successive § 2255 motion can be filed in the district court. See 28 U.S.C. § 2255(h); Farris v. United States, 333 F.3d 1211,


1216 (11th Cir. 2003). Movant has failed to obtain the required permission. (See July 2016 Order of USCA, ECF No. 53 (denying application to file second or successive § 2255 motion)). The instant action is a successive § 2255 motion which must be dismissed because the Court has no authority to consider it. A certificate of appealability is not warranted because it is not debatable that Movant must obtain permission from the Eleventh Circuit Court of Appeals before filing another § 2255 motion in this Court. See Rules Governing Section 2255 Proceedings for the United States District Courts, Rule 11.

Accordingly,

**IT IS RECOMMENDED** that this § 2255 motion [54] be **DISMISSED** and that a certificate of appealability be **DENIED**.

The Clerk of Court is **DIRECTED** to withdraw the referral of this § 2255 motion to the undersigned Magistrate Judge.

**IT IS SO RECOMMENDED and DIRECTED**, this 30<sup>th</sup> day of May, 2017.

  
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JANET F. KING  
UNITED STATES MAGISTRATE JUDGE